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Universal periodic review

Report of the Working Group on the Universal Periodic Review*

Colombia

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

* The present document was not edited before being sent to the United Nations translation services.

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Report of the Colombian State on the recommendations made during the third cycle of the universal periodic review

I. Introduction

1. The Colombian State is grateful to the 86 State delegations that participated in the session of the third cycle of the universal periodic review. Colombia also expresses its appreciation for the 211 recommendations made, with a view to strengthening the human rights situation of all its citizens, especially vulnerable groups.

2. During the session on 10 May 2018, Colombia informed the Working Group about the concerted efforts made to ensure that Colombians enjoyed the widest and most effective enjoyment of their rights, reaffirming its commitment to the universal periodic review mechanism.

3. At the same time, Colombia recognized the significant challenges that persisted in that respect and reiterated its commitment to upholding human rights in its territory to the greatest possible extent.

4. Colombia received 211 recommendations during the meeting held on 15 May 2018 at which the draft report of the Working Group was adopted. It expressed its support for 183 recommendations, taking note of the remaining 28. The comments of the Colombian State on those recommendations are listed below.

II. Recommendations of which the Colombian State takes note

5. Colombia takes note of recommendations 121.1 to 121.28.

6. Recommendations 121.1 to 121.14 concern the ratification of international instruments.

7. In relation to recommendations 121.1 to 121.6, Colombia wishes to report that it has been holding the necessary consultations with the relevant national institutions with a view to making progress towards the ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

8. In response to recommendations 121.7 (relating to the Optional Protocol to the Convention on the Rights of the Child), 121.8, 121.9, 121.10 (regarding the Optional Protocol to the Convention on the Rights of Persons with Disabilities) and 121.11 (relating to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights), Colombia wishes to point out that the rights guaranteed by those Conventions are provided for under national law. The inter-American human rights system, by which Colombia is bound, also provides a strong framework that upholds the rights covered by the instruments referred to above, when domestic procedures have been exhausted or fail to result in an effective remedy.

9. Colombia takes note of recommendation 121.12, on the understanding that its formulation is factually incorrect, given that Colombia is a State party to the two Optional Protocols to the International Covenant on Civil and Political Rights. Colombia ratified the first Optional Protocol to the Covenant in October 1969. It ratified the Second Optional Protocol to the Covenant, aiming at the abolition of the death penalty, in August 1997.

10. With regard to recommendations 121.17 and 121.18, it should be noted that Colombia is a State party to the International Convention on the Elimination of All Forms of Racial Discrimination, by virtue of which Colombian legislation defines acts of discrimination as an offence. Article 134A of the Criminal Code defines acts of discrimination and harassment as follows:

> "A person who arbitrarily impedes, obstructs or restricts the full exercise of the rights of persons on the grounds of their race, nationality, sex or sexual orientation,

disability or other grounds of discrimination shall be sentenced to 12 to 36 months' imprisonment and a fine of 10 to 15 times the statutory minimum monthly wage."

11. Colombia finds that recommendations 121.19 to 121.22 contain factual inaccuracies and represent a unilateral interpretation by the State making the recommendations. However, Colombia reiterates its commitment to the issues referred to in the recommendations, namely: (i) reducing overcrowding and respecting and guaranteeing the rights of persons deprived of their liberty; (ii) investigating and punishing those responsible for human rights violations; (iii) upholding the right to due process and judicial guarantees for persons deprived of their liberty; and (iv) respecting and protecting the rights of child and women victims of the armed conflict.

12. Regarding recommendation 121.23, the Colombian State has national regulations that recognize and uphold the right to conscientious objection to military service. Act No. 1861 of 2017, which sets forth conscientious objection as grounds for exemption from compulsory military service, also regulates the corresponding decision-making process for conscientious objection through the establishment of an interdisciplinary committee at the national and local levels, whose members include, among others, a representative of the Public Prosecutor's Office. The committee's decisions are made in full conformity with the law, thus ensuring due process.

13. In relation to recommendation 121.27, the Colombian State wishes to point out that the armed forces do not recruit children under any circumstances. Since 1999, Colombian legislation has prohibited the enlistment of children under 18 years for military service.

III. Conclusion

14. Colombia reaffirms its commitment to proceeding with the implementation of the recommendations made during the universal periodic review, in the belief that in this way it will achieve substantial progress towards guaranteeing full respect for human rights in the national territory.